



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

F. Brock

NOV 02 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5945 9942

J. Michael Shane, Esq.
Shane & Reisner, LLP
Robert H. Livingston Community Center
188 ½ West Main Street
Allegany, NY 14706

Re: Follow-up to BDH Oil, Inc. Information Submittal
Request for Information: SDWA-UIC-IR-11-005

Dear Mr. Shane:

The U. S. Environmental Protection Agency (EPA) has reviewed the documentation you submitted by letter dated October 20, 2010 concerning BDH Oil, Inc. (BDH). This documentation was submitted in response to EPA's letter of July 13, 2010 requesting information concerning BDH's Nichols Run Road Lease (Lease).

EPA noted during its review that some of the information requested in the July 13, 2010 letter was either not provided or the information provided was unclear. Within 30 days of receipt of this letter, please provide the following information:

1. EPA's letter of July 13, 2010 requested the current status of all injection wells on the Lease except those for which EPA had previously received plugging records. This information was not provided. Please provide the current status of each injection well on the Lease. For any well that has been plugged and abandoned, provide either a copy of the state plugging form or a detailed description (depths, locations of cement plugs; casing or tubing pulled; material used to fill intervals between cement plugs) of the plugging methodology used on each well.

2.

[REDACTED]

EXEMPTION 7A

3. The third party cost estimate indicates a “quantity” of 22 at a rate of \$100 per results in an estimate of \$2,200 per well. Provide an explanation of the cost estimate including what the quantity refers to.
4. EPA’s letter requested that BDH specify the actions and procedures it proposes to take to comply with the temporary abandonment requirements at 40 Code of Federal Regulations (C.F.R.) §144.28(c)(2)(iv). These regulations require that the owner/operator “Describe actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.” The proposed actions or procedures were not included in BDH’s response. Submit the actions and procedures BDH proposes to take to comply with these requirements.

All information submitted in response to this letter should be addressed to:

Nicole Foley Kraft, Chief
Ground Water Compliance Section
United States Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
Re: NYU118281
Attn: Frank Brock


Failure to respond to this letter truthfully and accurately on or before the deadline may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.


Pursuant to 40 C.F.R. §§2.203(a) and 144.5, you may, if you desire, assert a business confidentiality claim covering part or all of the information. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice. You may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at

the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret*, *proprietary*, or *company confidential*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

If you have any questions please contact Frank Brock of my staff at (212) 637-3762 or by e-mail at brock.frank@epa.gov.

Sincerely,



 Douglas McKenna, Chief
Water Compliance Branch

cc: Peter Briggs
New York State DEC
Div. of Mineral Resources
Bureau of Oil and Gas Regulation
Permits Section
625 Broadway, 3rd Floor
Albany, NY 12233-6500

Christopher Miller
New York State DEC
Region 9
Allegany Sub-Office
182 East Union Street
Allegany, NY 14706

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7005 3110 0000 5945 9942**Expected Delivery Date: **November 5, 2010**Class: **First-Class Mail®**Service(s): **Certified Mail™****Return Receipt**Status: **Delivered**[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

Your item was delivered at 10:46 am on November 08, 2010 in ALLEGANY, NY 14706.

Detailed Results:

- **Delivered, November 08, 2010, 10:46 am, ALLEGANY, NY 14706**
- **Acceptance, November 03, 2010, 3:09 pm, NEW YORK, NY 10007**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

[No FEAR Act EEO Data](#)[FOIA](#)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael Shane, Esq.
Shane & Reisner, LLP
Robert H. Livingston Community Center
188 1/2 West Main Street
Allegany, NY 14706

2. Article Number
(Transfer from sel)

7005 3110 0000 5945 9942

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Rae Kyle

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Rae Kyle

C. Date of Delivery

11/8/10

- D. Is delivery address different from Item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

- 4. Restricted Delivery? (Extra Fee)** ☐ Yes

UNITED STATES POSTAL SERVICE

BUFFALO, NY 142

09 NOV 2010 PM 3 T

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

U.S. Environmental Protection Agency
Region II, DECA
290 Broadway
New York, N.Y. 10007-1886

DECA-RCB-00

2010 NOV 22 PM 5:30

U.S. ENVIRONMENTAL
PROTECTION AGENCY

F. Brock (SDWA-VIC-IR-11-DO)

